

From: [Boyd, Andrew](#)
To: [Connery, Shannon](#)
Subject: FW: FMC site redevelopment plans FMC FOIA
Date: Wednesday, January 13, 2016 9:32:50 AM

From: Boyd, Andrew
Sent: Wednesday, January 13, 2016 9:32 AM
To: 'Jill Grant' <jgrant@jillgrantlaw.com>
Cc: Sheldrake, Beth <sheldrake.beth@epa.gov>; Williams, Jonathan <Williams.Jonathan@epa.gov>
Subject: RE: FMC site redevelopment plans

Jill

We're planning to approve the transfer agreement next week that I sent you last month. As I indicated in my message to you last month (attached below), the agreement does appear to satisfy the UAO requirements, including the requirement to allow access and restrict land use.

Until such time as we can establish and record the proprietary controls required by the UAO, we want to be sure we have an agreement in place from the transferee enforceable by FMC and the U.S. to allow access and to restrict land use, to record proprietary controls and to subordinate its rights to the proprietary controls agreement.

Let me know if you have any questions or concerns.

Andy

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FOR USE OF RECIPIENTS NAMED ABOVE

From: Boyd, Andrew
Sent: Thursday, December 17, 2015 5:16 PM
To: 'Jill Grant' <jgrant@jillgrantlaw.com>
Cc: Sheldrake, Beth <sheldrake.beth@epa.gov>; Williams, Jonathan <Williams.Jonathan@epa.gov>
Subject: RE: FMC site redevelopment plans

Jill

Attached is the agreement FMC has prepared pursuant to paragraph 43 of the FMC UAO for

Remedial Design and Remedial Action that I mentioned when we spoke. Paragraph 43 of the UAO provides that FMC OU property can only be transferred if: (1) proprietary controls required by UAO Par. 46(c) have been recorded; or (2) FMC has obtained an agreement from the transferee enforceable by FMC and the U.S. to allow access and to restrict land use, to record proprietary controls and to subordinate its rights to the proprietary controls.

Because proprietary controls required by UAO par. 46(c) are not expected to be established and recorded in advance of the planned lease of the property to be redeveloped, FMC has prepared the attached agreement and submitted it for EPA approval. It does appear to satisfy the Par. 43 requirements, including the requirement to allow access and restrict land use.

We recognize that the Tribes have concerns with the redevelopment that will need to be considered and addressed, and we wanted to be sure to provide the Tribes with an opportunity to review the agreement along with the remedial design/remedial action proposals for the redevelopment area. Please don't hesitate to call if you have questions.

Andy

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